

CLIFTON SKIDGEL
 Name
18869 HU 3-B-111
6900 W. MILLEN DRIVE
 Address HOBBS, NM 88244

FILED
 AT ALBUQUERQUE

MAY 05 2006

MATTHEW J. DYKMAN
 CLERK

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

CLIFTON RICHARD SKIDGEL, Plaintiff
 (Full Name)

CIV-06-0385 RB ACT
 CASE NO.
 (To be supplied by the Clerk)

v.
 KATHLEEN NESTOR, ZINAT SOBHANI,
 LINDSEY BRINDUSTOOL, DON
 DOUGLAS, WESTFORD HEALTH SOURCES, Defendant(s)

CIVIL RIGHTS COMPLAINT
 PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) CLIFTON R. SKIDGEL, is a citizen of NEW MEXICO
 (Plaintiff) (State)
 who presently resides at 6900 W. MILLEN DR., HOBBS, NM 88244
 (Mailing address or place of confinement)

2) Defendant KATHLEEN NESTOR is a citizen of
 (Name of first defendant)
(CITY UNKNOWN) NEW MEXICO, and is employed as
 (City, State)
MENTAL HEALTH MANAGER, LEA COUNTY CORR. FAC. At the time the claim(s)
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☒ No ☐ If your answer is "Yes", briefly explain:

DEFENDANT IS EMPLOYED BY LEA COUNTY CORRECTIONAL FACILITY UNDER
 CONTRACT WITH THE NEW MEXICO CORRECTIONS DEPT FOR THE MANAGEMENT OF
 MENTAL HEALTH SERVICES PROVIDED TO INMATES OF SAID FACILITY

3) A Defendant ZINAT SOBhani is a citizen of
 (Name of second defendant)
(CITY UNKNOWN) New MEXICO, WAS
 (City, State) and is employed as
A PSYCHIATRIST AT THE LEA COUNTY CORR. FAC. At the time the claim(s)
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain: ZINAT SOBhani
 WAS EMPLOYED BY WESTFORD HEALTH SERVICES to provide MENTAL
 HEALTH TREATMENT TO INMATES OF LEA COUNTY CORR. FAC.

(Use the back of this page to furnish the above information for additional
 defendants.) * DEFENDANTS 3, 4, & 5 ON BACK SIDE OF THIS
 PAGE.

4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42 U.S.C. §1983. (If you
 wish to assert Jurisdiction under different or additional statutes, you may list them
 below.)

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Defendants HAVE ACTED TOGETHER AND INDIVIDUALLY WITH WANTON
 NEGLIGENCE AND DELIBERATE INDIFFERENCE TO PLAINTIFF PAIN AND
 SUFFERING IN DENYING OR REFUSING MEDICAL AND MENTAL
 TREATMENT OR THERAPY FOR A RUPTURED HERNIA, ONGOING
 CHEST PAINS, THE LACK OF DENTAL APPLIANCES, HEARING AIDS FOR
 A NOTED HEARING LOSE, MENTAL THERAPY FOR DEPRESSION WITH
 SUICIDAL TENDENCIES, POST DRAMATIC STRESS DISORDER, BI-POLAR
 DISORDER. PLAINTIFF WAS TRANSFERRED TO THE LEA COUNTY CORRECTIONAL
 FACILITY (HEREAFTER LCCF) FOR THE PURPOSE OF TREATMENT FOR MENTAL
 HEALTH ISSUES. UPON ARRIVAL PLAINTIFF WAS CLASSIFIED AS HAVING SPECIAL
 NEEDS OF MENTAL HEALTH, DENTAL, AND HEARING. PLAINTIFF HAS BEEN
 REQUIRED TO SUFFER CONSTANT DISABLING PAIN, MENTAL GRIEF AND
 MENTAL HEALTH DETERIORATION, FALSE IMPRISONMENT AND ABUSE PLAINTIFF
 WAS NOT SENTENCED TO THIS ABUSE HAS BEEN CONSTANT FROM FEB 9
 UNTIL PRESENT (13 months)

XE- 217

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(THIRD DEFENDANT)
(CITY UNKNOWN) NEW MEXICO, AND IS EMPLOYED AS CORRECTIONS OFFICER #
(CITY, STATE)

FACILITY GRIEVANCE OFFICER. AT THE TIME THE CLAIM ALLEGED IN THIS COMPLAINT AROSE, WAS THIS DEFENDANT ACTING UNDER COLOR OF STATE?

YES ☒ NO ☐ IF YOUR ANSWER IS "YES", BRIEFLY EXPLAIN: DEFENDANT BREJINSKOL WAS ISS EMPLOYED BY LEA COUNTY CORRECTIONAL FACILITY AND IS ASSIGNED AS FACILITY GRIEVANCE OFFICER

3C. Defendant Don Douglas IS A CITIZEN OF
(FOURTH DEFENDANT)

(CITY UNKNOWN) NEW MEXICO. AT THE TIME THE CLAIM ALLEGED IN THIS COMPLAINT AROSE, WAS THIS DEFENDANT ACTING UNDER COLOR OF STATE?

YES ☒ NO ☐ IF YOUR ANSWER IS "YES", BRIEFLY EXPLAIN: DEFENDANT DON DOUGLAS WAS EMPLOYED BY WESTFORD HEALTH SOURCES AS AN ADMINISTRATOR OR DIRECTOR OF MEDICAL SERVICES AT THE LEA COUNTY CORRECTIONAL FACILITY.

3D Defendant Westford Health Sources IS A CITIZEN OF

ALBUQUERQUE, NEW MEXICO AND IS EMPLOYED AS MEDICAL HEALTH
(CITY, STATE)

SERVICES PROVIDER. AT THE TIME THE ALLEGED IN THIS COMPLAINT AROSE, WAS THIS DEFENDANT ACTING UNDER COLOR OF STATE?

YES ☒ NO ☐ IF YOUR ANSWER IS "YES", BRIEFLY EXPLAIN: DEFENDANT WESTFORD HEALTH SOURCES IS UNDER CONTRACT WITH THE NEW MEXICO CORRECTIONS DEPARTMENT FOR THE PURPOSE OF PROVIDING HEALTH CARE TO THE INMATES OF THE LEA COUNTY CORRECTIONAL FACILITY.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: DEFENDANTS ACTING TOGETHER OR INDIVIDUALLY HAVE AND CONTINUE TO VIOLATE PLAINTIFF CIVIL RIGHTS AS GUARANTEED BY THE 5th, 8th, and 14th AMENDMENTS IN SUBJECTING PLAINTIFF TO CRUEL AND UNUSUAL PUNISHMENT THAT PLAINTIFF WAS NOT SENTENCED TO, BY DENYING PLAINTIFF MEDICAL AND MENTAL HEALTH TREATMENT OWED TO HIM BY FEDERAL AND STATE LAW.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)
DEFENDANTS KATHLEEN NYSTOR, ZINAT SOBHANI, LINDSEY BRINTN STOL, DON DOUGLAS AND WESTFORD HEALTH SOURCES HAVE WITH INTENTIONAL NEGLIGENCE IGNORED OR REFUSED PLAINTIFF MEDICAL AND MENTAL TREATMENT WHILE CLAIMING PLAINTIFF HAD RECEIVED ALL TREATMENT WHEN IN FACT PLAINTIFF HAS IN THE PAST 13 MONTHS BEEN NEGLECTED ANY EXAMINATION OR TREATMENT FOR A RUPTURED HERNIA, CHRONIC PAIN, LACK OF DENTAL APPLIANCES, OR HEARING AIDS FOR A NOTED HEARING LOSS. PLAINTIFF HAS NOT RECEIVED ANY BENEFICIAL MENTAL HEALTH TREATMENT. THESE CONDITIONS OF PAIN AND SUFFERING HAVE EXISTED FOR 13 MONTHS.

B)(1) Count II: FALSE IMPRISONMENT AND INVOLUNTARY LOCK DOWN - SEGREGATION IN A STRIP CELL WITH RESTRICTED DIET AND FILTHY CONDITIONS FOR 7 days AND FOLLOWED BY 16 DAYS OF SEGREGATION WITHOUT ANY COMMUNITY REVIEW PROCEDURE DENYING PLAINTIFF OF ANY MEANINGFUL RIGHT TO DUE PROCESS OF LAW OR EQUAL PROTECTION OF LAW WITH WANTON INTENTION BASED ON ZINAT SOBHANI'S UNJUSTIFIED ACTIONS AND SUPPORTED BY ALL DEFENDANTS.

(2) Supporting Facts: ON FEBRUARY 23, 2005 DURING PLAINTIFFS INITIAL VISIT TO DR. ZINAT SOBHANI WHO ORDERED PLAINTIFF BE PLACED ON A SUICIDE WATCH WITHOUT REASON WHICH PLAINTIFF TRIED TO REFUSE AS BEING PUNISHMENT WITHOUT DUE PROCESS OF LAW. DR. ZINAT SOBHANI REFUSED ANY FURTHER TREATMENT OF PLAINTIFFS MULTIPLE MONTHLY HEALTH PROBLEMS AND ACTED WITH DELIBERATE INDIFFERENCE TO PLAINTIFFS SUFFERING FROM CRUEL AND UNUSUAL TREATMENT. THE STRIP CELL WITH RESTRICTED MEALS AND UNSAFE CONDITIONS AND CONSTANT PAIN VIOLATE PLAINTIFFS CIVIL RIGHTS.

C)(1) Count III: DEFENDANT DON DOUGLAS AND WESTFORD HEALTH SERVICES HAS/IS REFUSED (REFUSING) TO PROVIDE PLAINTIFF WITH TREATMENT FOR A RUPTURED HERNIA AND CHEST PAIN WHILE CLAIMING ON INSTITUTIONAL GROUNDS THAT PLAINTIFF HAD RECEIVED ALL TREATMENT DUE HIM WHEN IN FACT PLAINTIFF HAS NOT BEEN EXAMINED OR TREATMENT PROVIDED AT ANY TIME IN THE PAST 13 MONTHS.

(2) Supporting Facts: PLAINTIFF SUBMITTED A HEALTH SERVICES REQUEST FOR TREATMENT OF THE HERNIA AND CHEST PAIN ON MARCH 14, 2005. DEFENDANT DON DOUGLAS AND WESTFORD HEALTH SERVICES REFUSED ANY TREATMENT BY SYSTEMATICALLY IGNORED PLAINTIFF REQUEST WITH INTENTIONAL WANTONNESS AND DISREGARD FOR PLAINTIFFS INJURY OR PAIN WHILE ADDRESSING INSTITUTIONAL GROUNDS AS HAVING RECEIVED ALL TREATMENT DUE HIM

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☒ No ☐ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- a) Parties to previous lawsuit.

Plaintiffs: CLIFTON SKIDGEL

Defendants: KATHLEEN NESTOR, ZINAT SOBHAM, LINDSEY BRINWISPOOL, DON DOUGLAS, ■

- b) Name of court and docket number: 5TH JUDICIAL DISTRICT COURT
LOUINGTON, NEW MEXICO

CV 2005-3010, PETITION FOR WRIT OF HABEAS CORPUS, REPEAL.
1 MAY 2, 2004

- c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) SUMMARY JUDGEMENT ON BEHALF OF ZINAT SOBHAM
ENTERED MARCH 15, 2005
SUMMARY JUDGEMENT AGAINST PLAINTIFF ENTERED MAR 15, 2005
SUMMARY JUDGEMENT ON BEHALF OF NESTOR, BRINWISPOOL ENTERED DECEMBER
15, 2005, SUMMARY JUDGEMENT FOR DON DOUGLAS ENTERED MAR 15, 2005

- d) Issues raised: UNLAWFUL SEGREGATION, NEGLIGENCE MENTAL AND PHYSICAL
ABUSE WITH DELIBERATE INDIFFERENCE TO PLAINTIFFS MEDICAL AND MENTAL
HEALTH NEEDS AND DISREGARD FOR PLAINTIFFS SAFETY.

CAUSE OF ACTION

C(3) COUNT IV: REFUSAL BY DEFENDANTS DON DOUGLAS AND WEST FORD HEALTH SERVICES TO PROVIDE DENTAL SERVICES TO REPLACE PLAINTIFFS DENTAL APPLIANCES.

C(4) SUPPORTING FACTS: PLAINTIFF SUBMITTED A HEALTH SERVICES REQUEST FORM ON FEBRUARY 16, 2005 REQUESTING REPLACEMENT DENTURES. NEEDED DENTURE APPLIANCES WERE APPROVED AT ANOTHER FACILITY AND NOTED AS SPECIAL NEED ON RECEIPT IN THIS FACILITY. DON DOUGLAS, ACTING AS ADMINISTRATOR OR DIRECTOR OF MEDICAL SERVICES REFUSED DENTAL TREATMENT TO PLAINTIFF WHILE CLAIMING PLAINTIFF HAD RECEIVED ALL TREATMENT OWED TO HIM.

C(5) COUNT IV: DEFENDANT LINDSEY BRININSKOL, ACTING AS FACILITY GRIEVANCE OFFICER REFUSED TO PROCESS PLAINTIFF MANY GRIEVANCES IN VIOLATION OF NEW MEXICO CORRECTIONS DEPT POLICY IN VIOLATION OF PLAINTIFFS RIGHT TO DUE PROCESS AND EQUAL PROTECTION OF LAW AS GUARANTEED BY CONSTITUTIONAL AND STATE LAW, POLICIES AND PROCEDURES.

C(6) SUPPORTING FACTS: OFFICER BRININSKOL CONSISTENTLY REFUSED OR IGNORED THE POLICY TO INVESTIGATE ANY COMPLAINT BY AN INMATE OF NEGLECT OR ABUSE OR ENDANGERMENT TO THE INMATE, AS REQUIRED BY POLICY NO CD-150500, CONTRIBUTING AND SUPPORTING DEFENDANTS WANTON DELIBERATE INDIFFERENCE TO PLAINTIFFS MEDICAL OR MENTAL HEALTH NEEDS.

CAUSE OF ACTION

C(7) COUNT VI: DEFENDANTS DON DOUGLAS AND WESTFORD HEALTH SOURCES REFUSE TO PROVIDE PLAINTIFF WITH NEEDED HEARING AIDS, WHICH HEARING LOSS WAS WELL NOTED.

C(8) SUPPORTING FACTS: PLAINTIFF SUBMITTED A HEALTH SERVICES REQUEST FORM ON FEBRUARY 16, 2005 REQUESTING HEARING AIDS TO CORRECT HEARING LOSS. PLAINTIFF WAS CLASSIFIED BY INSTITUTIONAL COMMITTEE AS HAVING A SPECIAL NEED FOR HEARING AIDS. DEFENDANTS DON DOUGLAS AND WESTFORD HEALTH SOURCES HAVE REFUSED EXAMINATION OR TREATMENT FOR THE HEARING LOSS FOR THE PAST 13 MONTHS CONTRIBUTING TO PLAINTIFFS SUFFERING AND MENTAL AFFLICTION.

C(9) COUNT VII: DEFENDANT NESTOR, WHILE ACTING AS MANAGER OF THE MENTAL HEALTH SERVICES HAS WITH WANTON INTENTION DEVOIDED PLAINTIFF WITH MEANINGFUL ADEQUATE MENTAL HEALTH THERAPY, CONTRARY TO PLAINTIFFS CIVIL RIGHTS.

C(10) SUPPORTING FACTS: DEFENDANT NESTOR CAUSED PLAINTIFF TO BE TRANSFERRED FROM ANOTHER FACILITY FOR THE PURPOSE OF MENTAL HEALTH THERAPY PURSUANT TO GRIEVANCE # SR-01-05-10 ON FEBRUARY 9, 2005. SAID THERAPY HAS BEEN DENIED BY DEFENDANT NESTOR CONTRARY TO PROGRAM RECOMMENDATIONS FROM CLINICIAN PSYCHOLOGIST AND A MULTIPLE DISCIPLINARY COMMITTEE WHILE CLAIMING TO HAVE PROVIDED PLAINTIFF WITH ALL TREATMENT OWED HIM. DEFENDANT NESTOR'S WANTON NEGLECT CONTRIBUTING TO PLAINTIFFS MENTAL ILLNESS AND ABUSE VIOLATES PLAINTIFFS CIVIL RIGHTS.

- e) Approximate date of filing lawsuit: MAY 5, 2005
- f) Approximate date of disposition: MARCH 15, 2006

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought. INSTITUTIONAL GRIEVANCE'S LISTED:

NO. SR-01-05-10	06-03-66
05-03-26	06-03-67
05-04-48	06-03-68
05-04-49	06-03-69
05-04-50	06-03-70
05-05-30	06-04-08
05-05-31	

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:
- A. PRELIMINARY INJUNCTIVE RELIEF FOR THE IMMEDIATE REPAIR OF HERNIA.
 - B. PRELIMINARY INJUNCTIVE RELIEF TO TREAT CHOLESTASIS.
 - C. PRELIMINARY INJUNCTIVE RELIEF FOR DENTAL APPLIANCES.
 - D. PRELIMINARY INJUNCTIVE RELIEF FOR HEARING LOSS.
 - E. TRANSFER TO CENTRAL NEW MEXICO CORRECTIONAL FACILITY MENTAL HEALTH TREATMENT CENTER.
 - F. COMPENSATORY DAMAGES IN THE AMOUNT OF \$40,000.00
 - G. PUNITIVE DAMAGES AS AWARDED BY JURY ABOUT \$75,000.00
 - H. JURY TRIAL ON ALL ALLEGATIONS

Signature of Attorney (if any)

Cleopatra Stedman
Signature of Petitioner MS-SE

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at LEA COUNTY CORRECTIONAL INMATE on MAY 2, 192006
(Location) (Date)

Chiron Stultz 28869
(Signature) PRO-SE